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Plaintiff in Pro Se

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JOSEPH P. CUVIELLO and DENIZ
BOLBOL, individually,

Plaintiffs

v.

ROWELL RANCH RODEO, INC., et al.,

Defendants

Case No. 3:23-cv-01652-VC

**REVISED JOINT PRETRIAL
CONFERENCE STATEMENT**

Trial date: October 21, 2024
Time: 10:00 a.m.
Judge: Hon. Vince Chhabria
Courtroom: 5, 17th Floor

I. Preliminary Statement

Plaintiffs have settled their claims against Rowell Ranch Rodeo, Inc., Dkt. 132, and Hayward Area Recreation and Park (HARD) and Kevin Hart, Dkt. 145, and expect to file concluding documents within thirty days of their respective filed notices of settlement. Accordingly, this Pre-Trial Conference Statement omits references and descriptions of claims and evidence related to Plaintiffs' claims against Rowell Ranch Rodeo, Inc., HARD, and Kevin Hart.

II. Description of Claims and Defenses

A. Plaintiffs' Claims

Plaintiff Bolbol and Plaintiff Cuvillo each claim that Defendants Alameda County, by and through Alameda County Sheriff Deputy Joshua Mayfield, violated the California Bane Act by interfering with or attempting to interfere with the exercise and enjoyment of their free speech right to pass out leaflets at the Rowell Ranch Rodeo Park on May 20, 2022, through threats, intimidation, or coercion. *See* California Civil Code, § 52.1 (protecting free speech rights secured by Cal. Const. Art. I, § 2(a) and U.S. Const. Amend. 1).

B. Defendants' Defenses

1. Defendants Alameda County and Deputy Joshua Mayfield

Defendants Alameda County and Deputy Mayfield contend that the statements by Deputy Mayfield did not constitute threats, intimidation, or coercion. Further, Deputy Mayfield did not intentionally interfere or attempt to interfere with Plaintiffs' First Amendment rights. Moreover, Plaintiffs did not reasonably believe that if each exercised their First Amendment rights that Deputy Mayfield would arrest them or commit violence against them.

III. Statement of Relief Sought

A. Issues for the Court

Plaintiffs seek minimum statutory damages under Civil Code 52(a) in the amount of \$4,000 per violation of the Bane Act. Because Plaintiffs seek minimum statutory damages, this issue is for the Court. In total, Plaintiff Bolbol seeks \$4,000 in minimum statutory damages from Defendants

1 Alameda County/Deputy Joshua. Plaintiff Cuiello seeks \$4,000 in minimum statutory damages
2 from Defendants Alameda County/Deputy Joshua.

3 **B. Issues for the Jury**

4 Plaintiffs seek findings of liability for claimed violations of the Bane Act.

5 The Court entered summary judgment denying Plaintiffs' requests for injunctive relief,
6 statutory civil penalties, treble damages, and punitive damages. Dkt. 129. Accordingly, no remedial
7 issues remain for the jury.

8 **IV. Statement of Relevant Stipulated or Undisputed Facts**

9 1. On May 20, 2022, Plaintiffs had a free speech right protected by the First
10 Amendment to the United States Constitution and California Constitution to pass out leaflets to
11 rodeo patrons outside the designated "free speech area" at the Rowell Ranch Rodeo Park.

12 2. Roadways inside the Rowell Ranch Rodeo Park are used for pedestrian traffic and by
13 rodeo and emergency vehicles.

14 3. Upon arrival at the Rodeo Park on May 20, 2022, Defendant Deputy Mayfield
15 greeted and hugged a rodeo patron or representative.

16 4. HARD employee Kevin Hart told Plaintiffs that failure to move to the free speech
17 area "will not be good."

18 5. Plaintiff Cuiello asked HARD employee Kevin Hart what would happen if they did
19 not move to the free speech area, and Mr. Hart replied, "You'll just have to figure that out when it
20 happens."

21 6. Plaintiff Cuiello told HARD employee Kevin Hart, "You need to tell us now," and
22 Mr. Hart replied, "I don't have any responsibility to tell you that sir."

23 7. Plaintiff Cuiello told Defendant Deputy Mayfield he needed to call his watch
24 commander, and Defendant Joshua Mayfield called his Sergeant On Duty.

25 **V. List of Witnesses**

26 **A. Plaintiffs**

27 Plaintiffs intend to call the following witnesses as part of their case in chief:
28

1 1. **Deniz Bolbol:** Plaintiff Bolbol will describe the events of May 20, 2022, including the
2 reasons she felt threatened with arrest due to Defendants' acts, verbal communication, and nonverbal
3 communication. Plaintiffs expect that her direct testimony will take one hour.

4 2. **Joseph P. Cuiello:** Plaintiff Cuiello will describe the events of May 20, 2022,
5 including the reasons he felt threatened with arrest due to Defendants' acts, verbal communication,
6 and nonverbal communication. Plaintiffs expect that his direct testimony will take two hours.

7 3. **Robyn Kirk:** Ms. Kirk will describe the events of May 20, 2022, including whether
8 she felt threatened with arrest due to Defendants' acts, verbal communication, and nonverbal
9 communication. Plaintiffs expect that her direct testimony will take fifteen minutes to one-half hour.

10 4. **Michael Sage:** Mr. Sage will describe the events of May 20, 2022, including whether
11 she felt threatened with arrest due to Defendants' acts, verbal communication, and nonverbal
12 communication. Plaintiffs expect that his direct testimony will take fifteen minutes to one-half hour.

13 5. **Joshua Mayfield:** Deputy Joshua Mayfield is a defendant in this action, but he will
14 be presented as an adverse witness in Plaintiffs' case-in-chief. Plaintiffs expect that his direct
15 testimony will take one hour.

16 6. **Matthew Laszuk:** Deputy Matthew Laszuk is a law enforcement officer with the
17 Alameda County Sheriff's Office, a defendant in this action. He witnessed the events of May 20,
18 2022. Plaintiffs expect that his testimony will take less than one hour.

19 7. **Christian Campbell:** Deputy Christian Campbell is a law enforcement officer with
20 the Alameda County Sheriff's Office, a defendant in this action. He witnessed the events of May 20,
21 2022. Plaintiffs expect that his testimony will take less than one hour.

22 8. **Sowmya Ramadas:** Deputy Sowmya Ramadas is a law enforcement officer with the
23 Alameda County Sheriff's Office, a defendant in this action. She witnessed the events of May 20,
24 2022. Plaintiffs expect that her testimony will take less than one hour.

25 9. **Colby Staysa:** Deputy Colby Staysa is a law enforcement officer with the Alameda
26 County Sheriff's Office, a defendant in this action. He coordinated with Rowell Ranch Rodeo, Inc.
27 to provide for the Sheriff's Office's presence at the rodeo on May 20, 2022.

1 10. **Russell Fields:** Russell Fields is the president of Rowell Ranch Rodeo, Inc. He will
2 testify about his company's lease agreement with HARD, its decision to designate a free speech area,
3 and the events of May 20, 2022.

4 11. **Gary Houts:** Gary Houts is a volunteer and agent of Rowell Ranch Rodeo, Inc. He
5 called law enforcement on May 20, 2022, to request their presence at the rodeo park and discussed
6 Plaintiffs' free speech activities with Deputy Mayfield and Kevin Hart that day.

7 **B. Defendants Alameda County and Deputy Mayfield**

8 1. **Joshua Mayfield:** Deputy Joshua Mayfield will describe the events of the evening of
9 May 20, 2022, including: why he was at the rodeo; why he interacted with plaintiffs; what and why
10 he said what he did to plaintiffs; what he said to Sergeant Gomez during his phone call with him that
11 evening; and what was said during his interactions with the Rowell Ranch and HARD representatives
12 that evening. Defendant County expects that his re-direct testimony will take approximately three
13 hours.

14 2. **Matthew Laszuk:** Deputy Matthew Laszuk is a law enforcement officer with the
15 Alameda County Sheriff's Office. He witnessed the events of May 20, 2022. Defendant County
16 expects that his re-direct will take less than one hour.

17 3. **Christian Campbell:** Deputy Christian Campbell is a law enforcement officer with
18 the Alameda County Sheriff's Office. He witnessed the events of May 20, 2022. Defendant County
19 expects that his re-direct will take less than one hour.

20 4. **Sowmya Ramadas:** Deputy Sowmya Ramadas is a law enforcement officer with the
21 Alameda County Sheriff's Office. She witnessed the events of May 20, 2022. Defendant County
22 expects that her re-direct will take less than one hour.

23 5. **Sergeant Moises Gomez:** Sergeant Moises Gomez is a law enforcement officer with
24 the Alameda County Sheriff's Office. He spoke with Deputy Mayfield on the evening of May 20,
25 2022 and will testify about that conversation. Defendant County expects that his testimony will take
26 less than one hour.

6. **Asst. Sheriff Colby Staysa.** Asst. Sheriff Staysa is a law enforcement officer with the Alameda County Sheriff's Office. He interacted over the years with Rowell Ranch Rodeo regarding the annual rodeo, including the provision of a law enforcement presence at the rodeo.

7. **James Dudley, Cap.:** Cap. Dudley is a retained expert in this matter, who will provide opinion testimony about the relevant law enforcement standards and whether Deputy Mayfield complied with those standards and a law enforcement officers obligations with regards to informing individuals about potential or actual arrest. Defendant County expects that his testimony will take approximately two hours.

VI. Estimate of Total Length of Trial

8. The parties estimate that the trial will take three to four days.

Respectfully submitted,

DATED: October 2, 2024

/s/ Jessica L. Blome
Jessica Blome
Lily A. Rivo
GREENFIRE LAW, PC
Attorney for Plaintiff Deniz Bolbol

DATED: October 2, 2024

Joseph P. CuvIELLO
JOSEPH P. CUVIELLO
Plaintiff In Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October 2024 the foregoing was served on all parties through the Court's electronic filing, CM/ECF system in accordance with Rule 5 of the Federal Rules of Civil Procedure.

By: /s/ Jessica San Luis
Jessica San Luis
GREENFIRE LAW, P.C.